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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 DIRECTV INC,

No. C 03-05247 CRB

12 Plaintiff,

**ORDER RE: REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE**

13 v.

14 MICHAEL CARPENTER,

15 Defendant.
16 _____/

17 The Court has reviewed Magistrate Judge Edward Chen's Report and
18 Recommendation regarding plaintiffs' motion for default judgment and has also considered
19 plaintiff's objections to the Report. Although the Court finds the Report well-reasoned and
20 thorough, the Court takes a different position with respect to how judicial discretion should
21 be exercised in this context. See Memorandum and Order Granting Motion to Enter Default
22 Judgment, DirecTV Inc. v. Huynh, No. 04-3496 CRB (N.D. Cal. May 31, 2005) (setting forth
23 this Court's position with respect to DirecTV default cases).

24 The complaint in this action alleges that defendant purchased an "Unlooper," a
25 "Netsignia 210 Programmer," a "Loader," and a "Wafer Bootloader." As stated by this
26 Court in Huynh, allegations such as these--particularly the defendant's purchase of the
27 "Unlooper"--are sufficient to merit entry of default judgment and an award of damages in the
28 amount of \$10,000. The Court agrees with the Report that plaintiff should be granted

attorneys' fees and costs in the amount of \$1,933.70.

Accordingly, the Court ADOPTS IN PART the Report and Recommendation. Default judgment is hereby entered in favor of plaintiff and against defendant. Defendant Michael Carpenter is hereby ORDERED to pay to plaintiff DirecTV, Inc. \$11,933.70.

IT IS SO ORDERED.

Dated: May 31, 2005

/s/
CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California